

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 2-6, 8, 9, 16 and 17 are rejected under 35 U.S.C. 103 over the German patent to Merkel in view of the U.S. patent to Rosen.

The claims are also rejected under 35 U.S.C. 103(a) over the German patent to Merkel in view of the U.S. patent to Oishei.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) over the German patent to Merkel in view of the U.S. patents to Oishei and Samartgis.

At the same time the Examiner indicated that claims 18 and 19 are allowable.

The Examiner's indication of the allowability of claims 18 and 19 has been gratefully acknowledged, and these claims have been retained as they were.

At the same time, it is respectfully submitted that the claims rejected by the Examiner should nevertheless be considered patentably distinguishing over the art and should be allowed.

It is believed that the rejection of claims 16 and 17 can not be considered as justifiable. The German patent to Merkel discloses a so-called hinge-free wiper blade, in which the supporting element is composed of two spring rails located in longitudinal grooves of the wiper blade and held there by clamps. As specifically stated in column 3, starting from line 27 of this reference:

"By target-oriented compression of the clamps, a certain deformation of the wiper arm body 22 is obtained, whereby a securing of the supporting element 12 on the wiper strip and a securing of the clamps 50 which belong to the supporting element 12 on the wiper strip is obtained".

The clamps 50 are however explicitly arranged on the ends of the supporting element as explained in column 3, starting from line 9.

"The two clamps 50 which in the shown embodiment are formed identical belong to the supporting element 12, and they are arranged on both ends of the wiper strip 14 and connect the neighboring ends of the longitudinal rails in pairs with one another."

Nowhere in this reference is disclosed that the intermediate clamps 60, on which the connection device 66 is arranged, must be used to hold the wiper strip by a compression on the support element. This type of

mounting was limited until now always to the ends of the supporting rails or longitudinal rails, which is shown in the U.S. patents to Rosen and to Oishei.

With the special type how to insert the wiper strip with its longitudinal rails into the supporting bracket frame, a person of ordinary skill in the art who familiarized himself with the patent to Merkel can only obtain the teaching to use the end claws of the supporting bracket system to produce a certain pressure. The sections cited by the Examiner can not be changed so that the cam-shaped structure however can be repeated on other locations on the longitudinal rails. This structure would correspond closer to the inner projections claimed in the present application, as can be seen in Figures 7-9. As explained in column 2, starting from line 61, such a structure reinforces the sheet and changes the elastic properties in such regions, so that a person skilled in the art would keep away such cams along the supporting element, since local reinforcement in the wiper blades without supporting bracket frame must be avoided. It is therefore follows that a person skilled in the art would not combine the teachings of the patents to Merkel and Rosen to arrive at the present invention defined in claims 16 and 17.

From the patent to Oishei a person of ordinary skill in the art can obtain a teaching to provide compression on the ends of the wiper strip and the support element, and in this reference a supporting bracket frame

and the claw brackets connected with it are utilized. Since this reference deals with a so-called refill solution in which subsequently a wiper strip together with its longitudinal rails is introduced into an available supporting bracket frame, it is not possible to use a central claw of a claw bracket for carrying out the compression. The wiper strip would then be no longer insertable from its end. It is therefore believed to be clear that the combination of the patent to Merkel with the patent to Oishei would also not lead to the applicant's invention.

It is believed that the Examiner's opinion that the wiper blade defined in claims 16 and 17, in which the wiper strip with a hinge-free wiper blade without a supporting bracket frame is held by the special construction of the connection device by compression under the connection piece for the wiper arm, can be considered as a hindsight consideration of the Examiner who familiarized himself with the new features of the present invention as defined in these claims. The prior art does not disclose these features, and these features can not be derived from the prior art either taken singly or in combination with one another as a matter of obviousness.

Claims 16 and 17 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 16, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

  
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